

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

KENNETH L. MILLS,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:18CV902
	)	
ERIC A. HOOKS,	)	
	)	
Respondent.	)	

**ORDER**

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on October 30, 2018, was served on the parties in this action. (ECF Nos. 2, 3.) No objections were filed within the time prescribed by §636.

The Court hereby adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that this action is construed as a habeas petition under 28 U.S.C. § 2254 and is DISMISSED *sua sponte* without prejudice to Petitioner filing a new Petition which corrects the defects of the current Petition. A Judgment dismissing this action will be entered contemporaneously with this Order.

This, the 26<sup>th</sup> Day of November 2018.

/s/ Loretta C. Biggs  
United States District Judge